

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

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|-------------------------------------|---|---------------------------|
| James C. Kaminski, |) | |
| |) | C/A No. 2:20-0710-MBS-MGB |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | ORDER AND OPINION |
| Georgetown County Sheriff's Office, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

On January 10, 2020, Plaintiff James C. Kaminski filed the within action in the Georgetown County Court of Commons Pleas for South Carolina. Plaintiff alleges that deputies with Defendant Georgetown County Sheriff's Office wrongfully arrested, detained, and imprisoned him. Plaintiff asserts claims for negligence/gross negligence (First Cause of Action); negligent training and supervision (Second Cause of Action); unlawful seizure/invasion of privacy (Third Cause of Action); false imprisonment (Fourth Cause of Action); malicious prosecution (Fifth Cause of Action); and intentional infliction of emotional distress (Sixth Cause of Action).

Defendant removed the action on February 12, 2020, on the grounds that Plaintiff's complaint alleges a federal claim under 42 U.S.C. § 1983 for alleged violations of civil rights under the United States Constitution. On February 27, 2020, Plaintiff filed a motion to remand. Plaintiff asserts that he made no allegations regarding federal laws or treaties and that he did not plead or pray for relief under the United States Constitution. Plaintiff contends that he referenced the Fourth Amendment in his Third Cause of Action only by way of reference to Article X of the South Carolina Constitution and S.C. Code Ann. § 16-5-60. On March 10, 2020, Plaintiff filed an amended complaint that Defendant concedes removes any language that could be construed as

stating a claim under § 1983.

Once a post-removal amendment has eliminated federal claims and therefore only state claims remain, “the Court has the discretion to remand the case to the state court in which the action was initially filed.” Boone v. CSX Transp., Inc., Civil Action No. 3:17cv668, 2018 WL 1308914, *4 (E.D. Va. Mar. 13, 2018)(citing cases); see also 28 U.S.C. § 1367. The court finds that principles of economy, convenience, fairness, and comity support remand. See Boone, 2018 WL 1308914, *4. Accordingly, the court declines to exercise jurisdiction over the within action, and remands the complaint to the Court of Common Pleas for Georgetown County, South Carolina.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Charleston, South Carolina

March 11, 2020